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DE RUEHMD #0899 1311630  
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O 111630Z MAY 07  
FM AMEMBASSY MADRID  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2501  
INFO RUEKJCS/JOINT STAFF WASHDC IMMEDIATE  
RUEKJCS/SECDEF WASHDC IMMEDIATE  
RHMFIUU/HQ USCENTCOM MACDILL AFB FL IMMEDIATE  
RHMFISS/HQ USEUCOM VAIHINGEN GE IMMEDIATE  
RUCNFB/FBI WASHDC IMMEDIATE  
RUEAWJA/DEPT OF JUSTICE WASHDC IMMEDIATE  
RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY  
RUEHGB/AMEMBASSY BAGHDAD PRIORITY 0165  
RUEHLA/AMCONSUL BARCELONA PRIORITY 2695

UNCLAS MADRID 000899

SIPDIS

SENSITIVE  
SIPDIS

EUR/WE FOR ALLEGRONE, CLEMENTS AND CERVETTI, L/LEI FOR  
PROPP, KULISH AND JOHNSON

E.O. 12958: N/A

TAGS: [MARR](#) [PGOV](#) [PREL](#) [SP](#)

SUBJECT: SPAIN/COUSO CASE: UPDATE; CONVERSATIONS WITH KEY  
SPANISH LEADERS

REF: A. MADRID 0800 AND PREVIOUS

[1](#)B. LLORENS-ALLEGRONE E-MAIL OF APRIL 30

[1](#)C. 2007

[1](#)1. (SBU) DCM Llorens met with Spanish State Secretary for Justice (Deputy Minister-equivalent) Julio Perez Hernandez on May 10 to express USG's strong concern about the formal charges filed in Spain against the three US servicemen named in the legal case filed by family members of the Spanish camaraman Jose Couso, who was killed by US fire during the capture of Baghdad in April 2003 (ref A). DCM was following up on the April 30 discussion between US Ambassador to Spain Aguirre and Spanish First Vice President Maria Teresa Fernandez de la Vega (ref B), in which de la Vega said she was following the case carefully, had reviewed the the documents filed by Judge Pedraz on April 27 and had found no new material in the material or evidence included in the decision nor in the Judge's conclusions. In response to the Ambassador's strong pitch for the government to seriously consider appealing the decision, she said that an appeal was among the options being weighed, but cautioned that the government had to tread carefully in dealing with Spain's independent judiciary. She assured the Ambassador that she was deeply involved in following the case and that it had the attention of the highest levels of the Spanish government.

[1](#)2. (SBU) In his conversation with the DCM, Perez-Hernandez said that there was still some time available for an appeal (despite information last week that the appeal deadline had passed) because the timeline did not start precisely when the case was filed. He said that he understood that the Spanish National Court Chief Prosecutor Javier Zaragoza was considering an appeal. (Perez-Hernandez said that his office was checking on the precise timeline). He said his government shared the USG's concern about this case and said he would follow the case every step of the way and stay in touch with the Embassy. He noted that the government does not control the judiciary and it might be counter-productive to launch a formal government approach, but that the GOS would work with the US to assist in the process. DCM reiterated the USG's deep concern about the case, noting that the USG had conducted a thorough investigation, shared these results with the Spanish government and that the results were clear that the three US servicemen had committed no crime. Our sympathies remained with the families but there was no cause to ruin the lives of the three US servicemen, who were

not criminals. DCM vowed to remain in close contact with  
Perez-Hernandez and his office on the case, and  
Perez-Hernandez welcome close coordination.  
Aguirre